

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

JULIUS JONES,)	
)	
Petitioner,)	
vs.)	Case No. CIV-07-1290-D
)	
MARTY SIRMONS, Warden)	
Oklahoma State Penitentiary,)	
)	
Respondent.)	

**PETITIONER’S UNOPPOSED FIRST MOTION FOR EXTENSION OF TIME
TO FILE PETITION FOR WRIT OF HABEAS CORPUS AND TO EXTEND
ADDITIONAL FILING DATES**

Julius Jones, through counsel, moves that the Court grant an extension of time of forty-five (45) days in which to file the petition for writ of habeas corpus in this case. The petition currently is due on September 15, 2008. If the request for extension is approved, the new due date will be October 30, 2008.

Petitioner further moves that the additional due dates in this case be extended by forty-five (45) days. These additional due dates are the dates for filing motions for discovery, for requesting an evidentiary hearing, and for filing the response and the reply.

Undersigned counsel has discussed this extension request with Assistant Attorney General Jennifer Strickland, counsel for Respondent, and Ms. Strickland has stated she is not opposed to the extension.

This is Petitioner’s first motion to extend the time for filing the Petition for Writ of Habeas Corpus.

There is no trial or hearing date in this case currently set and thus no inevitable impact on any trial or hearing date. The extension of time for filing the petition for writ of habeas corpus potentially would have a forty-five day impact on the remaining due dates in the case because, from the viewpoint of Petitioner's counsel, it would be in the interests of justice for all due dates to be adjusted to the same extent the petition due date is adjusted.

As grounds for this extension, counsel states:

1. Mr. Jones's counsel is a sole practitioner who has recently experienced a heavy workload including work on a clemency request in an Oklahoma death penalty case and representation at an evidentiary hearing in an out-of-state habeas corpus case. Other pressing matters remain on counsel's calendar including having a brief due on September 10 in a different out-of-state murder case.

2. Much work remains to be done in Mr. Jones's case, which is a death penalty case with serious issues and a central prosecution witness who was much impeached. In addition to the case being in need of extensive record review and research, counsel will need to interview witnesses who may have information about the central prosecution witness.

3. The post-conviction application in this case was denied on November 5, 2007 and therefore (since there was no period after direct appeal in which no post-conviction application was pending) the time for filing under federal statute does not expire until

November 5, 2008.

4. It would be in the interests of justice for there to be time to develop a petition which adequately addresses serious issues in this serious case.

The current due dates and the proposed new dates are charted below:

	Current Date	Proposed Date
Habeas Petition	September 15, 2008	October 30, 2008
Discovery Motions	September 15, 2008	October 30, 2008
Evidentiary Hearing Request	November 3, 2008	December 18, 2008
Response	45 days after Petition filed	45 days after Petition filed
Reply	20 days after Response	20 days after Response

CONCLUSION

For the above reasons, Petitioner requests that this motion for extension of time be granted.

Respectfully submitted,

/s/ Mark Barrett
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ATTORNEY FOR PETITIONER

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of August, 2008, I electronically transmitted the attached document to the Clerk of Court using the ECF system for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrant: Jennifer L. Strickland, Assistant Attorney General, whose service email is fhc.dcoket@oag.state.ok.us.

/s/ Mark Barrett
MARK BARRETT